

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KELSEA HOLTON and LUIS MIRANDA,
on behalf of all others similarly situated,

Plaintiff,

vs.

IGLOO PRODUCTS CORP., a Delaware
corporation.

Defendant.

C.A. No.: 25-cv-00298-JLH

KRISTEN RIFFLE, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

IGLOO PRODUCTS CORP.,

Defendant.

C.A. No.: 25-cv-00495-JLH

**DECLARATION OF YEREMEY KRIVOSHEY IN SUPPORT OF PLAINTIFFS'
MOTION FOR CONSOLIDATION AND APPOINTMENT OF INTERIM CO-LEAD
COUNSEL**

I, Yeremey Krivoshey, declare as follows:

1. I am an attorney at law licensed to practice in the State of California. I am a founding partner at Smith Krivoshey, PC, counsel for Plaintiffs in *Holton et al. v. Igloo Prods. Corp.*, Case No. 1:25-cv-00298-JLH, pending in this Court. I am an attorney at law licensed to practice in the State of California, and I have applied to practice *pro hac vice* in the *Holton* matter. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently thereto.

2. I graduated from Vanderbilt University *cum laude* with bachelor's degrees in Psychology and Political Science in 2010. In 2013, I graduated from New York University School of Law. Since graduating law school, I have exclusively litigated consumer class actions and have achieved tremendous results for class members. Prior to forming Smith Krivoshey, PC, I was a partner at Bursor & Fisher, P.A., a well-regarded plaintiffs' class action law firm, in their San Francisco Bay Area office.

3. Both collectively, and individually, the attorneys at Smith Krivoshey, PC have established themselves as tough, bright, and very successful litigators. The founders of Smith Krivoshey have never lost a trial, having won every case tried to verdict. For instance, in 2019, I secured a \$267 million class action verdict in *Perez v. Rash Curtis & Associates* after a jury trial in the Northern District of California, which was the 12th largest verdict in the United States in all practice areas that year, and the 3rd highest class action verdict. In 2021, the case settled for \$75.6 million while on appeal, still the largest consumer class action settlement in the history of the Telephone Consumer Protection Act. Joel Smith, my co-founding partner at Smith Krivoshey, PC, has trial experience on both sides of the aisle. In a highly publicized trial against a Sacramento subsidiary of Entercom Communications Corp., Mr. Smith was part of a trial team that secured a successful outcome for his client (a radio station manager) despite his client's employer being hit with a \$16.5 million jury award. With a proven trial track record, the founders of Smith Krivoshey have also secured numerous favorable settlements on the eve of trial.

4. The attorneys at Smith Krivoshey have served as lead or co-lead class counsel in dozens of class actions throughout the country. In the process, they have obtained hundreds of millions in recoveries for class members, including settlements of \$83.6 million in a class case against *Six Flags*, \$75.6 million in *Perez* (paid out by the Indian Harbor Insurance Company, a defendant in a spin-off bad faith insurance case), \$74 million in a class case against BMW, \$40 million in a class case against Harbor Freight Tools, \$35 million in a class case against Western Dental, \$30 million in a class case against Momentum Solar, \$20.4 million in a class case against Alterra Mountain Company, and many more millions in class settlements against Turkish

Airlines, Lufthansa, Kimberly-Clark, Millennium Products, National Credit Adjusters, The Regents of the University of California, Jaguar Land Rover North America, Mattress Firm, Health-Ade, and others.

5. Judges have routinely commended Smith Krivoshey's attorneys when appointing them as class counsel or at the end of the litigation during settlement approval. For instance, in appointing Smith Krivoshey as Class Counsel in July 2024 in a case against the University of Southern California, Judge Kenneth Freeman, Ret., (Los Angeles Cnty. Superior Court Judge) noted that "the experience of [Smith Krivoshey] in representing consumers in class actions is extensive." In January 2024, Judge Michael A. Hammer (D.N.J.) appointed me as lead interim class counsel in a putative class action against one of the top private solar companies in the country, finding that I had the "requisite experience in handling class actions" and "clearly ha[ve] established a knowledge of the applicable law." The Court was also "satisfied from its oversight of this matter that proposed interim class counsel have committed, and will continue to commit, the necessary resources to represent the class." When awarding a \$28 million attorneys' fees award in 2021 at the conclusion of the *Perez* case, which I spearheaded from its inception, Judge Yvonne Gonzalez Rogers (N.D. Cal.) remarked: "This Court does not often offer praise, expecting high performance from all counsel. Here though, experienced counsel has done an excellent job on behalf of plaintiff and the class and vigorously pursued the claim despite numerous hurdles." Similarly, in January 2023, Judge Raymond P. Moore (D. Co.) commended my "high level of skill and expertise" in navigating a class action through "uncharted legal territory" as appointed class counsel against one of the top two ski resort companies in the country.

6. Attached hereto as **Exhibit 1** is a copy of Smith Krivoshey, PC's firm resume.

7. Smith Krivoshey is well funded and staffed to take cases the distance. The firm has never taken on litigation financing. Nor has the firm ever taken out loans or financing for its own operations.

8. To date, I have performed the following work so far in these cases:

- a. Interview dozens of putative class members, and vetted emails and client intake for dozens of other class members;
 - b. Researched Defendant's corporate structure;
 - c. Researched the products and the defects at issue in the action;
 - d. Drafted the Complaint in *Holton et al. v. Igloo Prods. Corp.*, Case No. 1:25-cv-00298-JLH;
 - e. Reached out to multiple potential class certification experts, and have spoken to an expert I intend on retaining for class certification and trial (and who has confirmed his availability and willingness to serve in that capacity);
 - f. Researched putative damages theories, and various class certification issues;
 - g. Vetted and retained local Delaware counsel;
 - h. Served a FOIA request on the CPSC regarding the defect at issue in this case;
 - i. Coordinated with plaintiff's counsel in the *Riffle v. Igloo Prods. Co.*, Case No. 1:25-cv-00495-JLH action, to maximize efficiency and come up with a cohesive and lean putative leadership structure;
 - j. Kept abreast of other litigation involving Defendant, particularly involving other actions concerning the same products and defect at issue in this case; and
 - k. Met and conferred with defense counsel about the substance of this motion.
9. Attached hereto as **Exhibit 2** is the filed complaint in *Castellano v. Igloo Prods., Corp.*, Case No. 2:25-cv-02733 (C.D. Cal.).
10. Attached hereto as **Exhibit 3** is the filed first amended complaint in *Zannetino et al. v. Igloo Prods. Corp.*, Case No. 2:25-cv-01917 (C.D. Cal.).
11. Attached hereto as **Exhibit 4** is the a true and correct copy of the PACER Docket in *Zannetino et al. v. Igloo Prods. Corp.*, Case No. 2:25-cv-01917 (C.D. Cal.).
12. Attached hereto as **Exhibit 5** is filed complaint in *Nguyen v. Igloo Products Corp., et al.*, Case No. 8:25-cv-00716 (C.D. Cal.).

13. Attached hereto as **Exhibit 6** is the filed complaint in *Trainor v. Igloo Prods. Corp.*, Case No. 2:25-cv-00941 (E.D. Pa.), which has since been dismissed.

14. If appointed as Interim Co-Lead Class Counsel, I and my law firm are willing and able to litigate this matter through class certification, summary judgment, trial and appeal, if necessary.

15. Attached hereto as **Exhibit 7** is a copy of the firm resume of Cooch and Taylor P.A.

I declare under penalty of perjury under the laws of the United States and the State of Delaware that the foregoing is true and correct. Executed in Louisville, Kentucky, on May 15, 2025.


Yeremey Krivoshey